

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

FLORIBERTO VILLALVA ESTRADA,
individually and in behalf of all other persons
similarly situated,

Plaintiff,

—against—

16 CV 6162 (PGG)

GIOVANNI'S ITALIAN PIZZERIA, INC.;
and MENTOR PERLASKA; jointly and
severally,

Defendants.

AFFIDAVIT OF PLAINTIFF IN SUPPORT OF MOTION FOR DEFAULT JUDGMENT

State of New York |
County of New York | ss:

Floriberto Villalva Estrada, being duly sworn, deposes and says:

1. My name is Floriberto Villalva Estrada. I am the plaintiff in this action. I reside at 1703 LEXINGTON AVE APT 4 in NEW YORK, NY. I am fully competent to make this affidavit, and I have personal knowledge of the facts stated in this affidavit. To my knowledge, all of the facts stated in this affidavit are true and correct.

2. The defendants' business is a limited-service restaurant doing business as Giovanni's Pizza located at 1011 Columbus Avenue, New York, New York.

3. The defendants employed me approximately from February 17, 2015, until September 4, 2015.

4. The defendants employed me as a cook and deliveryman.

5. I worked for the defendants approximately seventy-four hours per week.

6. I worked a spread of hours greater than ten approximately six days per week.

7. The defendants paid me approximately \$350 per week, but paid me no wages during my final workweek.

8. The defendants paid me in cash.

9. The defendants failed to pay me the applicable minimum wage.

10. I worked in excess of forty hours each week, yet the defendants did not separately pay me the overtime premium of one and one-half times my regular rate of pay for the hours I worked greater than forty each week.

11. The defendants failed to pay me spread-of-hours compensation.


12. The defendants never furnished me with a notice and acknowledgment.

13. The defendants never furnished me with accurate wage statements in any week.

14. This affidavit has been interpreted into Spanish for me.



Sworn to before me this 20th day of June, 2017



Notary Public
John Michael Gurrieri
Attorney and Counselor at Law, State of New York
Registration no. 02GU6305920
Qualified in New York County
Commission expires 06/16/2018